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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,378	10/26/2001	Aravind Soundararajan	US 010555	4623
24737	7590	07/11/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			LU, SHIRLEY	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2612	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

(D)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/043,378	SOUNDARARAJAN, ARAVIND	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shirley Lu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 28 April 2006.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

<p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</p>	<p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p>
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## **DETAILED ACTION**

### **Response to Arguments**

a. Applicant argues that Bates does not disclose 'a selector for selecting the programming input to process for display.'

Bates indeed discloses 'a selector for selecting the programming input to process for display' (fig. 1, 2; user input is received from a viewer via interface 40, e.g., to receive input via front panel buttons and/or a remote control).

b. Applicant argues that Bates does not disclose 'the system is configurable for individual use by more than one viewer' nor 'for one of a plurality of viewers.'

It has been held that duplicating parts is obvious In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In this case, it would have been obvious to duplicate the user and/or system in Bates. The motivation would have been to share the system with other users.

## **IDS**

The information disclosure statement filed 1/14/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

## **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claim(s) 1-8, 10-11 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Bates (6721953).**

As to claim 1,

a selector for selecting the programming input to process for display (fig. 1, element 14; fig. 2);

a timer for timing the amount of time each channel is selected for display; a database for recording channel-selection durations (period of time, program tables [7, 61] to [8, 33]; fig. 8);

a processor in communication with the database for periodically compiling a program selection control list, wherein the program selection control list includes channels selected and assigned weight values relative to other listed channels, said weighted values calculated according to a pre-determined algorithm from the channel-selection durations stored on the database (fig. 2, element 24; figs. 3, 8; predetermined threshold, program table [7, 61] to [8, 33]).

As to claim 2,

a higher weight value is assigned to channels having greater timed viewing durations and wherein the channels listed on the program selection control list are listed beginning with the channel having the highest relative weight value ([10, 1-16]; [13, 14-37]).

As to claim 3,

further comprising a viewer preference profile (fig. 8; period of time, program tables [7, 61] to [8, 33]).

As to claim 4,

the viewer preference profile comprises automatically generated viewer-preference information (routine 122 [7, 61] to [8, 33]; fig. 8).

As to claim 5,

the processor generates an adjusted program selection control list by applying information stored on the viewer preference profile to the program selection control list (durations, period of time, program tables [7, 61] to [8, 33]; fig. 8).

As to claim 6,

the system is capable of generating and storing a plurality of program selection control lists (fig. 8; period of time, program tables, table 50 may be kept at a fixed size, with programs having the lowest counts deleted [7, 61] to [8, 33]).

As to claim 7,

the processor determines which of the program selection control lists to apply to the channel selection process (different kinds of lists such as fixed, different thresholds, or other criteria may be used to determine relative frequencies [7, 61] to [8, 33]; fig. 8).

As to claim 8,

further comprising a clock for determining the day and time, and wherein the processor uses clock data as a factor in determining which program selection control list to use (day and time [6, 4-15]).

As to claim 10,

the selector uses the program selection control list to determine which programming input to select for display (period of time, program tables [7, 61] to [8, 33]; fig. 8).

As to claim 11,

the selector successively uses a plurality of program selection control lists to determine which programming input to select for display (fig. 8; period of time, program tables, table 50 may be kept at a fixed size, with programs having the lowest counts deleted; different kinds of lists such as fixed, different thresholds, or other criteria may be used to determine relative frequencies [7, 61] to [8, 33]).

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim(s) 9, 12-19 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bates (6721953).**

As to claim 9,

The system is configurable for individual use by more than one viewer, and wherein the processor uses viewer identity as a factor in determining which program selection control list to use (a viewer's actions effectively determines the items on the list, and affects the criteria used, different kinds of lists such as fixed, different thresholds, or other criteria may be used to determine relative frequencies [7, 61] to [8, 33]; fig. 8; It has been held that duplicating parts is obvious In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In this case, it would have been obvious to duplicate the user and/or

system in Bates. The motivation would have been to share the system with other users.).

As to claim 12,

maintaining a viewing-history record of the amount of time each displayed program channel is displayed by the television system (see claim 1);

ranking each displayed channel relative to the other displayed channels according to the display time in the viewing-history record (see claim 2);

creating a program selection control list for one of a plurality of viewers based on the displayed channel ranking (see claim 1; It has been held that duplicating parts is obvious *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In this case, it would have been obvious to duplicate the user and/or system in Bates. The motivation would have been to share the system with other users.).

As to claim 13,

the viewing-history record also includes information relating to the time of day during which the displayed program was displayed (see claim 8).

As to claim 14,

the viewing-history record also includes information relating to the day of the week during which the displayed program was displayed (see claim 8).

As to claim 15,

the step of creating a program selection control list comprises creating a plurality of program selection control lists (see claim 6).

As to claim 16,

further comprising the step of determining, upon receiving a control list invoke signal, the appropriate program selection control list to use (see claim 7).

As to claim 17,

further comprising the step of updating the program selection control list (thresholds are updated [7, 61] to [8, 33]; fig. 8).

As to claim 18,

further comprising the step of creating a preference profile based on viewer input, the profile containing an update mode selection, and wherein the program selection control list is updated according to the selected update mode (threshold may be set, the list is effectively created based on viewer input [7, 61] to [8, 33]; [13, 23-37]; fig. 8).

As to claim 19,

Pausing the maintenance of the viewing-history record (when the system is off, the maintenance is effectively 'paused'; fig. 5, [6, 66] to [7, 60]).

### **Conclusion**

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

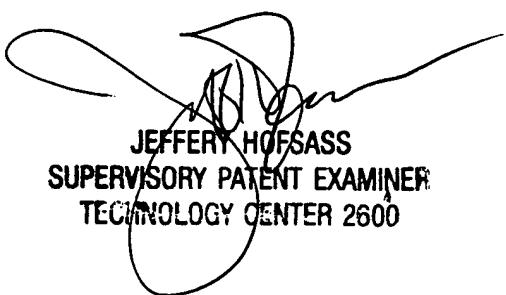
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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